

Application No. 10/661,717  
Response to OA of 11/24/04

### Remarks

In the present response, three claims (8, 9, 18) are amended; and seven claims (21-27) are newly added. Claims 1-25 are presented for examination.

#### I. Amendments to the Specification

Paragraphs [0035], [0037], and [0038] are amended to correct typographical errors. No new matter is entered.

#### II. Claim Rejections: 35 USC § 102

Claims 8, 9, 11-20 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 5,436792 (hereinafter Leman). This rejection is traversed.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Leman neither teaches nor suggests each element in claims 8, 9, and 11-20, these claims are allowable over Leman.

#### Claim 8

Independent claim 8 recites numerous limitations that are not taught or suggested in Leman. For example, claim 8 recites "wherein the mounting arm has a first portion that horizontally supports the display and a second portion that vertically supports the display above a support surface." Leman does not teach or suggest a mounting arm having a first portion that horizontally supports the display and a second portion that vertically supports the display above a support surface. For at least these reasons, Leman does not anticipate claim 8.

Dependent claims 9 and 11-12 depend from claim 8 and thus inherit all the limitations of base claim 8. Thus, for at least the reasons given in connection with claim 8, dependent claims 9 and 11-12 are also allowable over Leman.

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### Claim 13

Independent claim 13 recites numerous limitations that are not taught or suggested in Leman. For example, claim 13 recites “mechanically attaching the base to the display with a **curved mounting arm**” (cmphasis added). Leman does not teach or suggest mechanically attaching the base to the display with a curved mounting arm. The Office Action contends this recitation is shown in the figures of Leman (“mechanically attaching the base (10') to the display (L) with a curved mounting arm (12')”, see OA at p. 3). Applicants respectfully disagree. As shown in Fig. 9, the front surface of base member 12' is straight; and as shown in Fig. 13, the back surfaces (see 12A' and 12B') of the base member are also straight.

As another example, claim 13 recites adjusting the display “such that a center of gravity of the display is between a first pivot point at the base and a second **pivot point at the display**” (emphasis added). Leman does not teach or suggest adjusting the display such that a center of gravity of the display is between a first pivot point at the base and a second pivot point at the display. The Office Action contends this recitation is shown in Fig. 10 of Leman (“the firsts pivot point is located at 112 and the second pivot point is located where the carrier (16/46) touches surface (S)”, see OA at p. 3). Applicants respectfully disagree. As shown in Fig. 10, where carrier (16/46) touches surface (S) is not even a pivot point. Further, where carrier (16/46) touches surface (S) is not a pivot point **at the display**.

For at least these reasons, Leman does not anticipate claim 13. Dependent claims 14-17 depend from claim 13 and thus inherit all the limitations of base claim 13. Thus, for at least the reasons given in connection with claim 13, dependent claims 14-17 are also allowable over Leman.

### Claim 18

Independent claim 18 recites numerous limitations that are not taught or suggested in Leman. For example, claim 18 recites (emphasis added):

wherein the display is **supportable off the support surface and above the base** such that a center of gravity of the display is between two different and parallel axes that pass through two

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different **rotational** locations and that are normal to a support surface supporting the base.

Leman does not teach or suggest wherein the display is supportable off the support surface and above the base. As noted in the Office Action, "axis (1) is located at the point in which carrier (16/46) touches surface (S)" (see OA at p. 4).

Further, Leman does not teach or suggest wherein the display is supported off the support surface and above the base such that a center of gravity of the display is between two different and parallel axes that pass through two different rotational locations. The Office Action contends this recitation is shown in Fig. 10 of Leman ("wherein axis (1) is located at the point in which carrier (16/46) touches surface (S) and axis (2) is located at 112°, see OA at p. 4). Applicants respectfully disagree. As shown in Fig. 10, where carrier (16/46) touches surface (S) is not a rotational location.

For at least these reasons, Leman does not anticipate claim 18. Dependent claims 19-20 depend from claim 18 and thus inherit all the limitations of base claim 18. Thus, for at least the reasons given in connection with claim 18, dependent claims 19-20 are also allowable over Leman.

### III. Claim Rejections: 35 USC § 103

Claims 1-7 and 10 are rejected under 35 USC § 103(a) as being unpatentable over Leman in view of U.S. Publication No. 2003/0021083 (hereafter Landry). Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See M.P.E.P. § 2143.* Applicants assert that the rejection does not satisfy these criteria.

For claim 1, the Office Action contends that "Leman lacks the nonlinear rigid mounting arm having both a first end that pivotally connects to the base and a second end that pivotally connects to the carrier" (see OA at p. 6). Applicants agree with this

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admission. The Office Action, however, attempts to cure this deficiency with Landry. Applicants respectfully disagree. The proposed modification of Leman with Landry is not proper since no motivation or suggestion exists for this modification.

Leman explicitly teaches a single clutch mechanism that pivotally connects the main housing 10 to the base member 12 (see col. 4, lines 17-20):

A preferred embodiment of the control means is one way clutch mechanisms 26A, 26B, as best shown in FIGS. 1 and 8, that are provided on each side of the docking station D.

Leman further explains the importance and function of this single clutch mechanism (see col. 4, lines 65+):

Therefore, this clutch mechanism prevents the docking station from inadvertently collapsing when in the upright position, such as due to forces imparted if the stylus 44 is used in this position, while allowing the docking station to be folded for storage or to the upright display position without the use of levers 42.

Neither Leman nor Landry provides a suggestion or motivation for altering the single clutch mechanism of Leman to a mounting arm having a first end that pivotally connects to the base and a second end that pivotally connects to the carrier. New elements and significant substitutions would have to be made to Leman to provide such a modification.

Further, no reasonable expectation of success has been established for modifying Leman to arrive at the recitations of claim 1. Leman specifically teaches a single clutch mechanism that "prevents the docking station from inadvertently collapsing when in the upright position" (col. 4, lines 65-67). If Leman were modified to have a mounting arm with first and second ends as recited in claim 1, then this modification would not yield a reasonable expectation of success for preventing the docking station from inadvertent collapse.

For at least these reasons, claim 1 is not obvious over Leman in view of Landry. Dependent claims 2-7 depend from claim 1 and thus inherit all the limitations of base

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claim 1. Thus, for at least the reasons given in connection with claim 1, claims 2-7 are also allowable over Leman in view of Landry.

As discussed above in Section II, Leman does not teach or suggest all the recitations in independent claim 8. Landry fails to cure the deficiencies of Leman. Dependent claim 10 depends from claim 8 and thus inherits all the limitations of base claim 8. Thus, for at least the reasons given in connection with claim 8 in Section II, claim 10 is allowable over Leman in view of Landry.

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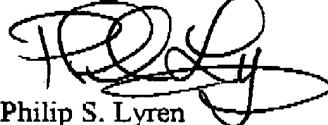
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,



Philip S. Lyren  
Reg. No. 40,709  
Ph: 281-514-8236

### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 22nd day of February, 2005.

By   
Name: Be Henry